

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

United States Of America)	
)	
V.)	CRIMINAL NO. 05-12 ERIE
)	
SHAUN LANAIL BENNAFIELD)	CIVIL ACTION NO. 07-24 ERIE
)	

Defendants reply to prosecutions response to defendants 28 U.S.C.
8 2255.

Now Comes, Shaun Bennafield, Pro-se, replying to the prose-
cutions response to defendants 28 U.S.C. 2255.

The defendant contends that due to reason's that was out of
his control, he did not receive a copy of the prosecution's
response that was filed on 4-11-2007.

This is the reason defendant filed a [default Judgment] on
May 21, 2007.

In response to the prosecutions response to the defendants
28 U.S.C. 2255. The defendant asserts that the prosecution intent-
ionally combines all of the defendants arguments into one ineffect-
ive assistance of counsel argument even though the defendant
specifically ask that his issue's be reviewed substantively.
(See Page One and Five of memorandum).

FILED

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CLERK

The defendant; also, maintains that there was no probable cause to arrest the defendant, and since the warrant can not be found.⁽¹⁾ The arrest was in violation of the 4th amendment. See Illinois V. Gates 76 Led 2d 527 Further more, the officers did not actually observe an exchange take place between the defendant and the CI. (See statements of officers in affidavits and page 7 of defendant memorandum).

The defendant contends that with respect to his criminal history points issues. The prosecution does not cite any case law to support their position on the issue's; Further more, any ambiguity pertaining to the sentence guidelines has to be resolved in the defendants favor. US V. Mobley 9561. 2d 450,452 (3CIR.1992).

This issue is not part of the record, thus, a hearing should be held to resolve this dispute.

The defendant asserts that although he wanted to plea guilty to the plea that he had with the state. Having no Federal Plea agreement to study or to benifit from made his Plea not knowing and unintelligent, and a violation of Rule 11 of the F.R.C.P. thus, this Plea should not be used for a finding of guilty.

Foot note (1)
The defendant has made request over and over again and has been told by the clerk that there is no warrant in this case, (See Exhibit).

Defendant assert that his crack to powder cocaine ratio issue should be reviewed, regardless of the prosecutions view on the matter. There is a good chance that the sentencing commission proposal will change the sentence of the defendant soon.

This court should take this proposal into account when reviewing this issue.

CONCLUSION

The defendant contends that his issues have merit and are not part of this record. A hearing should be held to clear this record and to resolve this dispute, or reduce defendants sentence in accordance with the issue's that he has raised in his 28 U.S.C. 2255.

Respectfully submitted,

Shaun Bennafield 5-30-07
SHAUN BENNAFIELD

CERTIFICATE OF SERVICE

I Shaun Bennafield, Swear that a copy of this reply was sent by first class mail to the person below.

On this 30th day of May, 2007.

U.S. Attorney
Marshall J. Piccinini
Federal Courthouse
Room A 330
17 South Park Row
ERIE, PENNSYLVANIA 16501-1158

U.S. District Court Western District
Of Pennsylvania
P.O. Box 1820
ERIE, PA. 16507

MEMORANDUM

CLERK'S OFFICE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF PENNSYLVANIA

DATE: OCTOBER 27, 2006

REPLY TO
ATTN OF: CLERK'S OFFICE

SUBJECT: DOCKET SHEETS

TO: SHAUN BENNAFIELD

THIS OFFICE IS IN RECEIPT OF YOUR LETTER REGARDING RECEIVING COPIES OF DOCUMENTS FILED IN YOUR CASE. COPIES AND DOCKET SHEETS COST 10 CENTS PER PAGE IF THEY ARE FILED AFTER JULY OF 2005. THERE ARE FOUR PAGES IN THE JUDGMENT AND ONE PAGE IN THE INDICTMENT. THERE WAS NO PLEA AGREEMENT FILED IN FEDERAL COURT, NOR IS THERE A COPY OF AN ARREST WARRANT. YOU MAY NEED TO CONTACT THE COUNTY COURT FOR THOSE ITEMS. ENCLOSED IS A COPY OF YOUR DOCKET SHEET. HOWEVER, IN THE FUTURE YOU MUST REMIT A CHECK TO ✕CLERK, U.S. DISTRICT COURT✕ WITH YOUR REQUEST FOR COPIES.